Registered—No. M. 1175.

The Mysore Gazette.

Vol. 63.] PUBLISHED BY AUTHORITY. [No. 2.

BANGALORE THURSDAY, JANUARY 12, 1928.

PART I.

IMPORTANT GOVERNMENT ORDERS.

LAW SECRETARIAT.

Report on the Administration of Criminal Justice.

READ—

The report on the Administration of Criminal Justice in the State for the year 1926-27, received from the Registrar, Chief Court, with his letter No. P. 35, dated 15th November 1927.

ORDER NO. P. 3694-703 -CTS. 117-27-3, DATED 7th JANUARY 1928.

Recorded.

2. *Offences Reported.*—There was a small decrease in the number of offences reported *viz.*, from 18,452 in 1925-26 to 18,449 during the year under report; but there was an increase in the number of offences returned as true from 17,030 in 1925-26 to 17,327 during the year under report. Including 5,975 persons pending trial from the previous year, the total number of persons brought to trial during the year under report was 35,209 against 35,132 in the previous year. Of these the cases of 28,017 persons or 79 per cent were disposed of against those of 29,157 or 82·9 per cent in the previous year. Seven thousand eight hundred and twenty-seven persons or 27·9 per cent were convicted and 19,435 or 69·3 per cent were acquitted or discharged, the respective percentages for the previous year being 26·3 and 72·2. The cases of 7,192 persons were left pending at the end of the year.

3. *Average Duration.*—The average duration of cases in the courts of the Stipendiary Magistrates rose from 45·8 days in 1925-26 to 49·7 days, the rise in the Bangalore Division being very perceptible, *viz.*, from 32·9 to 47·1 days. In the courts of the Bench Magistrates also, the average duration rose from 36·8 days in 1925-26 to 45·1 days in the year under review, the average duration in the court of the Bench Magistrates at Honnali still continuing to be high, *viz.*, 115 days, though

it fell from 160 days in 1925-26 to 115 days in the year under report. The District Magistrate, Shimoga, explains that it was due to the irregular attendance on the part of the Honorary Magistrates and that much difficulty is experienced in getting suitable men to serve on the Benches. The working of this Bench Court may be watched for some time more and if no improvement is possible, the court will have to be abolished. It is hoped that the pendency of cases in all criminal courts will be reduced considerably during the current year.

4. *Witnesses.*—The number of witnesses that appeared before the Courts of Magistrates was 58,786. The number actually examined in the Courts of the Magistrates was 48,639 or 82 per cent in the year under report against 43,183 in 1925-26 and the number that were detained for more than three days decreased from 113 in 1924-25 to 80 in 1925-26 and to 55 in the year under report.

5. *Heinous Offences.*—There was a general fall under this head except under homicides which rose from 15 in 1925-26 to 35 in the year under review, and robberies which rose from 16 in 1925-26 to 48 in 1926-27.

6. *Sessions Work.*—Including the 17 cases pending from the previous year, there were for disposal 130 cases during the year against 129 in 1925-26. Of these, 123 cases were disposed of, leaving 7 cases pending at the end of the year. It is satisfactory to note that the disposals exceeded the institutions and that there was a fall in the average duration of cases from 43·3 days in 1925-26 to 39·3 days in the year under report.

7. *Trial by Jury.*—The number of cases tried by Jury was 22 against 27 in 1925-26, the Judges agreed with the verdict of the Jury wholly in 20 cases and partly in one case and the remaining case in which the Judge wholly disapproved of the verdict was referred to the Chief Court under section 307, Criminal Procedure Code.

8. *Preventive Jurisdiction.*—Eighty-three persons against 45 in 1925-26 wers ordered to give security and 3 were imprisoned against 23 in 1925-26, for default ef furnishing security. The number of persons sentenced to short terms of imprisonmeot increased from 636 in 1925-26, to 729 in the year under report, and, as observed by the Chief Court, this calls for serious attention on the part of the District Magistraten and other Magistrates concerned. It is satisfactory to note that a larger use of section 562 Criminal Procedure Code was made, the number of persons dealt with thereunder being 82 against 40 in 1925–26 and 64 in 1924-25.

9. *Appellate work of Subordinate Courts.*—The total number of appellants before Magistrates as well as Sessions Judges was 1,133 against 1,075 in the previous year. Of these, the appeals of 750 persons were before Magistrates and those of 383 before Sessions Judges. The Magistrates disposed of the appeals of 659 persons against 675 in 1925-26, and the Sessions Judges disposed of the appeals of 331 persons against 310 in the year previous. The number of appeals disposed of in the Courts of Magistrates showed a fall, while the number disposed of in the Courts of Sessions showed a slight rise. The average duration of appeals showed a further fall in the Magistrates' Courts, *viz.*, 29·7 days against 37·7 in 1925-26 and 44·4 in 1924-25; while it rose in the Sessions Courts from 34·7 days in 1925-26 to 48·1 in the year under report. The District Magistrates disposed of 13 cases as against 10 in the previous year.

10. *Chief Court Work.*—The number of appeals filed in the Chief Court was 131 against 113 in 1925-26. Of these 33 were transferred to the Sessions Judge, Bangalore Division, for disposal. Including 21 from the previous year, there were in all for disposal 119 appeals against 127 in 1925-26. Of these 92 appeals were disposed of against 106 in 1925-26, leaving 27 pending at the end of the year. There was thus a fall in the disposal. There was a very slight reduction in the average duration of appeals, *viz.*, from 52·65 in 1925-26 to 51·75 in the year under review.

11. *Work of the Special Magistrates.*—Including the cases pending from the previous year, there were 9,439 cases for disposal in all the Special Magistrates' Courts. Of these 8,072 cases were disposed of against 6,891 in the year 1925-26, leaving 1,367 cases pending disposal. The percentage of disposals during the year was 85·5 against 85 in the year previous. The number of cases pending for over six months rose in the Bangalore, Shimoga and Mysore Districts. The Magistrates concerned should be asked to dispose of promptly all old cases and reduce pendency during the current year.

12. *Bench Courts.*—The Honorary Bench Courts disposed of 7,272 cases against 7,261 in 1925-26, leaving 1,398 cases pending. The number of cases pending for over

six months was 58 in Shimoga District, 48 in Hassan District, 26 in Bangalore District and 22 in Tumkur District. The reasons for such long pendency have not been furnished and the District Magistrates are requested to issue suitable instructions so as to reduce duration of cases.

13. *Inspections.* The Chief Judge inspected the Courts of the District Magistrates of Mysore, Kolar, Tumkur and Shimoga and eight Special Magistrates' Courts with First Class Powers, and Mr. Justice D. K. Rama Rao inspected the Courts of the District Magistrate, Bangalore, and of the City and First Class Magistrate, Bangalore. The District Magistrate, Mysore, inspected all the Courts in the District except the Special Magistrate's Court, Hunsur, and the Bench Courts at Yedatore, Heggadevankote and Seringapatam. The other District Magistrates inspected all the Courts in their districts except the Bench Courts at Sidlaghatta, Sringeri and Davangere.

14. *General.*—During the year under report, Mr. Justice C. S. Doraswami Iyer was requested to examine, among others, the question of providing sufficient work for the Special Magistrates and of combining civil and criminal functions in the same officer. His report was received and Government passed orders combining the cadres of Special Magistrates and Munsiffs. Detailed proposals of the Chief Court as to the scheme of itinerant Magistrates recommended by him in his report are awaited.

B. NAGAPPA,
Secretary to Government,
Law Department.

FINANCIAL SECRETARIAT.

Alcohol.

READ—

Government Order No. Fl. 2561-2—Ex. 74-26-17, dated 9th December 1922, fixing a concessional rate of duty of Rs. 5 per proof gallon of spirit contained in alcoholic, medicinal and toilet preparations manufactured within the State whether for export or for local consumption.

2. Correspondence ending with letter No. A. 2-695—27, dated 2nd—3rd December 1927, from the Excise Commissioner in Mysore, submitting his proposals for the supply of duty free alcohol to industrial concerns in the State.

ORDER NO. FL. 5376-9—EX. 43-27-4, DATED 5TH JANUARY 1928.

Government have had under consideration for some time past the question of supply of duty free alcohol for encouraging local industries and they are pleased to approve of the following conditions for the grant of exemption to Industrial concerns in the State from payment of duty on alcohol supplied for the manufacture of commercial products:—

(1) The industry requiring alcohol should be sufficiently important to deserve the concession.

(2) Alcohol should be used only as a vehicle in the process of manufacture and the products manufactured should not contain alcohol as an integral part thereof in their finished state.

(3) Samples of such products should be furnished whenever required for chemical analysis.

(4) The concern will be required to maintain an Excise Establishment lent by Government for watch and ward and defray its cost including contribution towards pension and leave allowances.

(5) The concession will be granted for three years in the first instance.

(6) The concern should maintain accounts of transactions of alcohol and abide by such conditions as may be imposed by the Excise Commissioner regarding the custody of alcohol and inspection of the premises by Excise Officers.

(7) In addition to the price payable to the contractor the firm should agree to pay in advance a fee of annas two on every gallon of rectified spirits supplied to it towards the manufacture of spirits and supervision charges in the Distillery.

B. SRINIVASA IYENGAR,
Financial Secretary to Government.